

CHAPTER 20J. WHITTIER MILL HISTORIC DISTRICT

Sec. 16-20J.001. Statement of intent.

The intent of the regulations for the Whittier Mill Historic District is as follows:

- (1) To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
- (2) To continue and encourage residential uses in the district;
- (3) To preserve and protect the historic attributes of the built environment of the district, particularly, those houses, buildings and structures constructed prior to 1930; the existing street patterns; and limited access/egress which contributes to the village;
- (4) To preserve existing landscape and topographical features of the district that exhibit or will assist in maintaining significant historic elements of the village;
- (5) To maintain the spatial relationships that now exist between buildings, and between buildings and streets;
- (6) To ensure that additions and modifications to existing structures reinforce the historic qualities and features of the district;
- (7) To ensure that new development is consistent with the historic character of the district;
- (8) To balance the need to regulate exterior changes to the structures in the district with the unique layout, landscaping and topography of the district that results in a high percentage of visibility from the public right-of-ways so as to exercise greater regulatory control over principal facades than other facades;
- (9) To encourage economic development, neighborhood revitalization and prevention of displacement of residents; and
- (10) To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

Sec. 16-20J.002. Scope of regulations.

(a) The existing zoning map and regulations governing all properties within the Whittier Mill Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20J) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20J) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the code of ordinances.

(b) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district.

Sec. 16-20J.003. Boundaries.

The boundaries of the Whittier Mill Historic District shall be as shown on the official zoning map adopted herewith entitled the "Whittier Mill Historic District." The district is divided into two (2) subareas, as shown on said official zoning map, which shall be known as:

- (1) The Residential Subarea; and
- (2) The Transitional Subarea.

Sec. 16-20J.004. Organization.

The overlay zoning regulations for the Whittier Mill Historic District are composed of two (2) parts. The first part consists of general regulations which apply to all property located within this district. The second part consists of specific regulations that apply to each of the subareas.

Sec. 16-20J.005. General regulations.

The following regulations shall apply to all properties within the Whittier Mill Historic District:

- (1) *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."
- (2) *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.

Sec. 16-20J.006. Specific regulations--Residential Subarea I.

In addition to the general regulations set forth in section 16-20J.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
 - a. *When required:*
 1. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the public right-of-way: foundations, siding, chimneys and roofs;
 2. To change the exterior appearance of the following elements of the front facade of a structure: windows, doors, architectural details and porches. For the purpose of this chapter, front facade means the elevation of the building which faces the front yard as defined in code of ordinances section 16-28.007(3) and (4).
 3. To erect a new structure; and
 4. To demolish or move any contributing structure, in whole or in part, within the subarea.
 - b. *Type required:*
 1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).

2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under subsection 16-20J.006(1)a. above shall be those specified in section 16-20.008 of the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance of the front facade.

(2) *Financial Hardship Exemptions:*

- a. These regulations set forth a minimum standard of architectural compatibility within the subarea. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the urban design commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship shall be on the property owner.
- b. In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.
- c. If the urban design commission finds that this requirement of subsection (b) herein is satisfied, they shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 1. The present and future income of the property owner(s) and those occupying the property;
 2. The availability, at present or in the future of other sources of income of revenue, including loans, grants, and tax abatements;
 3. The cost associated with adherence to the subarea regulations;
 4. The degree of existing architectural importance and integrity of the structure; and
 5. The purpose and intent of this chapter.
- d. The urban design commission shall balance these factors as applied to the applicant for said exemption and shall grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

(3) *Lot Size, Dimensions and Configurations:* In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20J shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.

(4) *Duplexes:* Notwithstanding any contrary provisions in part 16 of the code of ordinances, new construction of a new two-family or duplex dwelling shall be permitted within this district only as a single building.

(5) *Grading:*

- a. Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the structural integrity of a structure.
- b. New grades shall meet existing topography in a smooth transition.

(6) *Architectural Standards:*

a. *Building facades:*

1. All new construction shall conform to the existing building orientation by having porches and front doors facing the front yard.
2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule.
3. There shall be two (2) side yards, one (1) on each side of the principal building, each having a width of not less than the width of the side yards for the block as established by the compatibility rule.
4. There shall be a rear yard of not less than 10 feet.
5. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
6. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.
7. No new construction or additions shall exceed the height of the existing structure on the site or, for new construction, that of the tallest structure of like use on the block.

b. *Windows and doors:*

1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
2. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.
3. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and design to existing windows and doors.
4. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
5. Windows in the front facade of new construction shall be predominantly vertical in proportion and must not be constructed in combination of more than two (2) windows.
6. Replacement exterior doors shall match the original openings and conform to the original door in material and design.
7. New exterior doors shall be wood panel or fixed glass panel in wood frame. In the alternative, metal doors may be used if their design matches that of an original door.

c. *Foundations:*

1. Foundations shall be of brick, painted concrete block or stuccoed.
2. Foundations shall be of masonry pier or continuous wall construction closed with solid or screen infill wall.

3. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
 4. Slab on grade is not permitted.
- d. *Storm doors and storm windows:* Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
- e. *Chimneys:*
1. Chimneys shall be retained whenever possible.
 2. If extending or repairing a chimney, the original materials, mortar, color and pattern shall be matched whenever possible.
 3. The construction of new chimneys shall not be permitted on the front facade.
 4. New chimneys shall be faced with brick or stucco.
 5. Siding on chimneys is prohibited.
- f. *Roof::*
1. Replacement roofs shall match the original roof in material, pitch and shape as well as ridge, overhang and soffit construction.
 2. Cold-rolled roofing is permitted only on flat roofs.
 3. Corrugated metal and corrugated fiberglass roofs are not permitted.
 4. The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
 5. Dormers shall not be permitted on the roof over the front facade of any structure.
 6. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not permitted on the roof over the front facade of any structure.
- g. *Porches:*
1. Architecturally significant front porches, steps and stoops shall be retained, whenever possible.
 2. Replacement front porches, steps and stoops shall match the original in size, design and materials.
 3. Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
 4. Front porches shall be required for the development of new homes and the compatibility rule shall apply or columns shall be six-inch by six-inch posts; the top and bottom rails of the balustrade shall be constructed of two-inch by four-inch lumber or the equivalent; the top rail shall not be higher than 36 inches above the porch floor; the bottom rail of the balustrade shall be three (3) to four (4) inches above the porch floor; and the individual balusters shall be constructed of two-inch by two-inch lumber and shall not be more than four (4) inches apart.
 5. Front porches shall contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang consistent with historic features for porches in that block, although standard lumber is permitted.

6. New decks shall be permitted to the rear of the house.
- h. *Accessory structures:* Accessory structures, such as carriage houses, smoke houses, tool sheds, greenhouses, tenant and alley houses, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.
- i. *Walls and fences:*
 1. Front yard closure walls are not permitted.
 2. Fences in the front yard of any structure shall be of wood picket type construction.
 3. Retaining walls which are located in the front yard shall have a finished masonry surface constructed of materials compatible with the exterior finish of the principal dwelling. Retaining walls shall be integrated into the landscape.
- j. *Architectural details:*
 1. Exterior architectural details, such as brackets, decorative trim, corner boards, windows moldings, railings, columns, steps and doors, which contribute to the character of the buildings and appear on the front facade, shall be retained, restored or replaced to match the original in dimension and design.

(7) *Paved Surfaces:*

- a. The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
- b. Where no sidewalks existed historically, no new sidewalks shall be installed.

(8) *Off-Street Parking Requirements:*

- a. Off-street parking shall not be permitted in the front yard.
- b. Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side of the street shall apply to the construction of a carport or garage.

Sec. 16-20J.007. Specific regulations--Transitional Subarea II.

The following regulations shall apply to all properties located within the Transitional Industrial Subarea II. These regulations are intended to mitigate any nocuous effects that the industrial subarea may have on adjoining residential uses within the Whittier Mill Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

- (1) *Certificates of Appropriateness:* Certificates of appropriateness are not required in the Transitional Industrial Subarea II, but all new construction and development shall conform to the following regulations.
- (2) *Development controls:*
 - a. *Setbacks:* The setback from the southern boundary of the subarea shall be 50 feet. This setback shall be undisturbed and no development of any kind, including surface parking, shall be permitted. Other setbacks shall be as regulated by the applicable industrial district regulations.

- b. *Screening:* For any lot in this subarea which abuts a residential use, without an intervening street, there must also be a wall no less than six (6) feet in height and a 5-foot wide buffer planted with tree and/or shrub materials.